

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3 TRANSPORTATION BENCH SESSION
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6
7 Chicago, Illinois
8 May 4, 2011
9 Met, pursuant to notice, at 10:30 a.m.
10 BEFORE:
11 MR. DOUGLAS P. SCOTT, Chairman
12 MS. LULA M. FORD, Commissioner
13 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
14 MR. SHERMAN J. ELLIOTT, Commissioner
15 MR. JOHN T. COLGAN, Acting Commissioner
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21 SULLIVAN REPORTING COMPANY, by
22 Auhdikiam Carney, CSR
 License No. 084-004658

1 CHAIRMAN SCOTT: Is everything ready in
2 Springfield?

3 JUDGE WALLACE: Yes, it is.

4 CHAIRMAN SCOTT: Pursuant to the provisions of
5 the Illinois Open Meetings Act, I now convene a
6 regularly scheduled bench session of the Illinois
7 Commerce Commission.

8 With me in Chicago are Commissioners
9 Ford, O'Connell-Diaz, Elliott, Acting Commissioner
10 Colgan. I'm Chairman Scott.

11 We have a quorum.

12 Before moving into the agenda,
13 according to Section 1700.10 of the Illinois
14 Administrative Code, this is the time to allow the
15 members of the public to address the Commission.
16 Members of the public wishing to address the
17 Commission must notify the Chief Clerk's Office at
18 least 24 hours prior to the Bench Session.

19 According to the Chief Clerk's Office,
20 we have one request to speak at today's bench
21 session. I believe we have Mr. Raymond Gerard with
22 us today representing the Ivanhoe Country Club.

1 Is Mr. Gerard here?

2 MR. GERARD: Yes.

3 CHAIRMAN SCOTT: Mr. Gerard, if you want to go
4 to one of the microphones and turn them on, you will
5 have 3 minutes to make your comments.

6 MR. GERARD: Thank you, sir.

7 I'm an attorney representing the
8 Ivanhoe Country Club. I'm here today speaking in
9 regard to some rate hike requests --

10 MR. MATRISCH: I'm sorry -- we can't hear him
11 in Springfield.

12 CHAIRMAN SCOTT: Push the button there. Thank
13 you, sir.

14 MR. GERARD: I'm here today -- my name is
15 Raymond Gerard. I'm speaking on behalf of the
16 Ivanhoe Country Club in relation to certain rate hike
17 requests that have been made by Aqua Illinois, Inc.
18 The water and sewer system served by that entity
19 services the Ivanhoe Country Club subdivision.

20 The country club that I represent
21 operates the golf course that is part of the
22 subdivision. Many of its members are residents in

1 that subdivision. A number of residents did not get
2 notice of the pending rate hike request except with
3 their May bills, which they're just receiving now.
4 The initial 45-day period ends May 21st. So they
5 wouldn't have had any opportunity to be here today,
6 on all practical purposes, so I'm here to speak for
7 their interests as well. The Country Club also was
8 the prior owner, as a matter of fact, of the water
9 and sewer system and it has knowledge about both of
10 those systems.

11 The purpose for my coming here this
12 morning is to simply suggest and request and
13 recommend that the rate hikes be suspended and that
14 the appropriate investigative period follow
15 thereafter. We do not have sufficient information on
16 the improvements that have been made.

17 The rate hike requests deal with a
18 number of -- seeks to recover costs on a number of
19 capital improvements. We need further information on
20 those improvements; potential cost savings; the
21 reasonableness of any costs. Also there are other
22 revenue sources from other properties in the area

1 that are potentially going to be connected to this
2 system in the not too distant future so we need to
3 know whether or not those possibilities have been
4 considered in deferring the cost of the life span of
5 the capital improvements.

6 So that is, in essence, my comments.
7 We would like to have the rate hikes suspended. The
8 country club then would defer and intends to
9 intervene in the proceedings thereafter.

10 And I thank you for your time this
11 morning.

12 CHAIRMAN SCOTT: Thank you very much,
13 Mr. Gerard.

14 We'll start with the Transportation
15 Agenda. Up first is the approval of minutes from our
16 April 12th Regular Open Meeting.

17 Is there a motion to approve the
18 minutes?

19 COMMISSIONER ELLIOTT: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 ACTING COMMISSIONER COLGAN: Second.

22 CHAIRMAN SCOTT: It's been moved and seconded.

1 All in favor say "aye."
2 (Chorus of ayes.)
3 Any opposed?
4 (No response.)
5 The vote is five to nothing and the
6 minutes from April 12th are approved.
7 Moving on to the Railroad section.
8 Items RR-1 thorough RR-3 can be taken
9 together. These items concern petitions for the
10 authorization of construction improvements and
11 modifications at railway crossings across Illinois.
12 In each case the ALJ recommends that
13 the Commission enter an Order granting the Petition
14 authorizing the improvements.
15 Is their a motion to enter the Orders?
16 COMMISSIONER ELLIOTT: So moved.
17 CHAIRMAN SCOTT: Is there a second?
18 COMMISSIONER O'CONNELL-DIAZ: Second.
19 CHAIRMAN SCOTT: All in favor say "aye."
20 (Chorus of ayes.)
21 Any opposed say "nay."
22 (No response.)

1 The vote is five to nothing and the
2 Orders are entered. We will use this five nothing
3 vote for the remainder of the transportation agenda
4 unless otherwise noted.

5 Item RR-4 is Docket No. T10-0179.
6 This item concerns a Petition by the Illinois
7 Department of Transportation requesting approval to
8 exercise eminent domain over a property in Kane
9 County. ALJ Duggan recommends that the Commission
10 enter an Order granting the Petition and approving
11 the exercise of eminent domain.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item RR-5 is Docket Nos. T11-0008 and
18 T11-0009 consolidated. This item concerns Petitions
19 by the Department of Transportation and City of
20 Chicago requesting authorization for improvements and
21 modifications at crossings of Illinois Route 19 in
22 Chicago. ALJ Kirkland-Montague recommends that the

1 Commission enter an Order granting the Petitions.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item RR-6 is Docket No. T11-0010.

8 Like Item RR-4, this concerns a Petition by the

9 Illinois Department of Transportation requesting

10 approval to exercise eminent domain over property in

11 Kane County. ALJ Duggan recommends that the

12 Commission enter an Order granting the Petition and

13 approving the exercise of eminent domain.

14 Is there any discussion?

15 (No response.)

16 Any objection?

17 (No response.)

18 Hearing none, the Order is entered.

19 Items RR-7 through RR-11 can be taken

20 together. These items each concern stipulated

21 agreements regarding public safety improvements and

22 highway-rail grade crossings across Illinois. In

1 each case Staff recommends that the Commission enter
2 an Order approving the stipulated agreement.

3 Is there any discussion?

4 (No response.)

5 Any objection?

6 (No response.)

7 Hearing none, the Orders are entered.

8 Items RR-12 and RR-13 can be taken
9 together. These items each concern stipulated
10 agreements regarding public safety improvements at
11 highway-rail grade crossings. In each case Staff
12 recommends that the Commission enter a Supplemental
13 Order approving an extension of time associated with
14 the project's completion.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Supplemental Orders
20 are entered.

21 Item RR-14 is Docket No. T11-0032.

22 This item concerns a stipulated settlement agreement

1 regarding public safety improvements at a
2 highway-rail grade crossing in Wayne County. Staff
3 recommends that the Commission enter an Amended Order
4 correcting the AAR/DOT identification number listed
5 in the original Order entered on March 23rd.

6 Is there any discussion?

7 (No response.)

8 Any objection?

9 (No response.)

10 Hearing none, the Amended Order is
11 entered.

12 On to Motor Carriers.

13 Items MC-1 through MC-8 will be taken
14 together. These items concern stipulated settlement
15 agreements concerning alleged violations of the
16 Illinois Commercial Transportation Law. In each case
17 the transportation counsel recommends entering an
18 Order accepting the stipulated settlement agreement.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Orders are entered
2 and the settlement agreements are approved.

3 Items MC-9 and MC-10 can be taken
4 together. These items are Applications for
5 Certificates of Public Convenience and Necessity
6 under the Illinois Commercial Transportation Law
7 concerning household goods property motor carrier
8 authority. In each case ALJ Duggan recommends that
9 the Commission enter an Order approving the
10 application.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Orders are entered
16 and the applications are approved.

17 Item MC-11 is Kevin's Auto Repair &
18 Transport's application for renewal of it's
19 commercial relocation towing license. Our
20 transportation counsel recommends entry of an Order
21 granting the application for renewal.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered and

5 the renewal is granted.

6 We also have two administrative

7 matters posted for today's agenda. We have since

8 been informed that each of these items does not

9 require any Commission action so no action will be

10 taken.

11 Mr. Matrisch, is there any further

12 business to come before the Commission today?

13 MR. MATRISCH: Nothing further, Chairman.

14 Thank you.

15 CHAIRMAN SCOTT: Thank you.

16 Hearing none, that concludes today's

17 transportation agenda.

18 (And those were all the

19 proceedings had.)

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